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ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:91–CV-0082 Civil (HRH)
	)	
v.	)	EIGHTY-THIRD
	)	JOINT NOTICE OF
EXXON CORPORATION, EXXON SHIPPING	)	EXPENDITURES FROM
COMPANY, and EXXON PIPELINE COMPANY,	)	THE INVESTMENT FUND
<u>et al.</u> , <u>in personam</u> , and the T/V EXXON VALDEZ,	)	
<u>in rem</u> ,	)	
	)	
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$6,000,000 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this

Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska), on August 28, 1991 (“MOA”).

On September 25, 1991, the United States and the State of Alaska settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V *Exxon Valdez* arising from the Exxon Valdez Oil Spill (“EVOS”). All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System (“CRIS”) administered through the United States District Court for the Southern District of Texas.

On June 7, 2000, this Court entered its Third Amended Order for Deposit and Transfer of Settlement Proceeds (“Third Amended Order”). The Third Amended Order allows the Governments the option of investing the money in an account outside the United States Treasury. On September 29, 2000, upon application by the Governments, the Court entered an Order Re: Transfer of Funds from the Exxon Valdez Liquidity Account and the Reserve Fund to an Investment Fund Within the Alaska Department of Revenue, Division of Treasury, authorizing transfer of settlement proceeds to an account within the State. On October 5, 2000, all funds and securities were transferred from the CRIS to the Investment Fund. The Third Amended Order further allows the Governments to establish separate sub-accounts within the primary account “as the Trustee Council determines appropriate.” On October 1, 2002, three sub-accounts were created in the Investment Fund: the Research Investment Sub-Account, the Habitat Investment Sub-Account, and the Koniag Investment Sub-Account. These sub-accounts were established to carry out the Trustee Council’s decision in its Resolution of March 1, 1999 to manage separately the remaining assets of the Joint Trust Funds for the specific purposes of funding a long term

research and monitoring program, the acquisition of lands along the Karluk River, and the establishment of a fund to purchase small parcels of land that may become available in the future.¹

Paragraph 27 of the Third Amended Order provides that “funds in an Investment Fund shall remain on deposit in that Fund until such time as the EVOS Trustees unanimously resolve to expend all or part of the funds.” The funds may then be expended, for purposes consistent with the MOA, upon the joint notification of the Governments to the Investment Fund and the Court. The notification is to inform the Court of the proposed uses of the funds in the same manner and to the same extent as was the Governments’ practice when the funds were in the registry of the Court.²

The Governments provide Notice of this eighty-third expenditure in the amount of \$6,000,000 from the Research Sub-account. This expenditure is for partial funding for the Prince William Sound Science Center facilities replacement project (Project #19190125).³

The entire amount that is the subject of this Notice will be provided to the State of Alaska.

¹ The Koniag Sub-Account has been terminated. The funds previously held in that sub-account were transferred to the Habitat Sub-Account on March 14, 2014. *See Fifty-Fifth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 427.

² A copy of the notice provided to the Investment Fund pursuant to paragraph 27 of the Third Amended Order for Deposit and Transfer of Settlement Proceeds is appended to this Notice as Attachment A, pages 1-2.

³ The Trustee Council unanimously authorized these expenditures at its October 17, 2018 meeting in Resolution 18-04. *Seventy-Fourth Joint Notice of Expenditures from the Investment Fund*, Attachment A, pages 3-33. Dkt. No. 487-1.

The Trustee Council has met once since the Governments' last filing on August 23, 2021 of their Eighty-Second Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on October 13, 2021, once they have been approved by the Trustee Council. The meeting notes for the Trustee Council's meeting on January 19, 2021 are attached as Attachment B.

RESPECTFULLY SUBMITTED this 10th day of November, 2021.

FOR THE UNITED STATES

s/ ERIKA M. WELLS
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FOR THE STATE OF ALASKA

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EIGHTY-THIRD JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2021, a copy of the foregoing, EIGHTY-THIRD JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND, was served by the Court's CM/ECF system upon all persons registered to receive filings in this matter.

s/ Erika M. Wells



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law
CIVIL DIVISION
Environmental Section

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November 10, 2021

Shane Carson and Zachary Hanna
Treasury Division, Alaska Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

Re: *Exxon Valdez Oil Spill Trustee Council*
Case No. 3:91-cv-00083-HRH
AGO No. 2021102695

Mr. Carson and Mr. Hanna:

The Exxon Valdez Trustee Council has unanimously determined to expend \$6,000,000 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska). This expenditure is entirely from the Research Sub-Account of the Investment Fund of the State of Alaska, Department of Revenue.

Under the terms of the Reimbursable Services Agreement between the Alaska Department of Fish and Game and the Alaska Department of Revenue, please transfer the following amounts from cash held in the Exxon Valdez Oil Spill Investment Fund to the accounts described below:

State of Alaska

Amount: \$6,000,000 from the Research Sub-Account

Beneficiary: State of Alaska

Account: ADF&G IRIS Fund 3386

Name: Exxon Valdez Settlement Account

This transfer should take place when most financially advantageous, preferably on or before November 15, 2021. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd
Assistant Attorney General
Environmental Section
State of Alaska
Department of Law

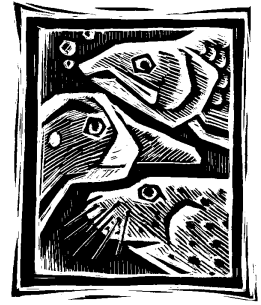
Erika M. Wells
Senior Counsel
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc (via email):

Macy Cook, Alaska Department of Fish and Game
Jessica Hood, Alaska Department of Fish and Game
Jesse Blackwell, Alaska Department of Revenue
Bruce Nessler, Department of the Interior
Elizabeth Gobeski, Department of the Interior, Solicitor's Office
Veronica Varela, DOI-USFWS
Hannah Lager, DCCED
Jenny McDowell, DCCED
Linda Kilbourne, EVOSTC Restoration Office
Joy Maglaqui, EVOSTC Restoration Office

Exxon Valdez Oil Spill Trustee Council

4210 University Drive ○ Anchorage, AK 99508-4626 ○ 907 278 8012 ○ fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

January 19, 2021

Trustee Council Members Present:

James Balsiger, NOAA/NMFS

David E. Schmid, USFS

Sara Taylor, USDOl ***

• Jason Brune, ADEC

Steve Mulder, ADOL **

Doug Vincent-Lang, ADF&G

• Chair

** Steve Mulder - alternate for Attorney General

*** Sara Taylor - alternate for Senior Advisor to the Secretary for Alaska Affairs

The meeting convened at 1:37 p.m., January 19, 2021 using the Zoom conferencing platform. A moment of silence was initiated for the passing of Cherri Womac, long-time EVOSTC employee.

1. Approval of the January 19, 2021 meeting agenda

APPROVED MOTION: Motion to approve the draft January 19, 2021 meeting agenda dated January 16, 2021.

Motion by Vincent-Lang, second by Balsiger, approved unanimously.

APPROVED MOTION: Motion to amend agenda to add the Prince William Sound Science Center update.

Motion by Vincent-Lang, second by Schmid, approved unanimously.

2. Approval of October 14, 2020 meeting notes

APPROVED MOTION: Motion to approve the draft October 14, 2020 Trustee Council meeting notes dated January 12, 2021.

Motion by Vincent-Lang, second by Balsiger, approved unanimously.

Gary Fandrei, Chair, reported on the January 8, 2021, EVOSTC PAC Meeting.

Public Comment: Twenty-one public comments were given.

Off record at 3:19 p.m.

On record at 3:30 p.m.

3. Approval of Kenai Peninsula Ecosystem Restoration Project 15150123

APPROVED MOTION: Motion to approve the request for funding reallocation between sub-projects.

Motion by Vincent-Lang, second by Schmid, approved unanimously.

4. Discussion: Draft Resolutions 20-A and 20-B: Changing Annual Meeting and Reporting Requirements, and Allowing Multi-Year Funding of Projects

MOTION PROPOSED: Motion to approve amending the 1994 Restoration Plan to eliminate the annual meeting and approval requirements and to establish a new 10-year multi-year meeting cycle and make non-substantive updates to the Restoration Plan as appropriate to effectuate this change.

Motion by Vincent-Lang, second by Balsiger. Discussion followed.

APPROVED MOTION: Motion to amend PROPOSED MOTION to issue a single solicitation, eliminating requirement for annual public meeting and funding decision process, but continuing to require annual progress reports from projects that have been awarded funding, requiring biennial status reports and reviews by EVOSTC PAC, Science Panel,

and staff, and conducting Trustee Council meetings at least every 5 years.

Motion to amend by Taylor, second by Balsiger, approved unanimously.

APPROVED MOTION: Motion to approve PROPOSED MOTION, as amended, approved unanimously.

5. Discussion: Draft Resolution 20- C: Combining Habitat and Research Accounts

FAILED MOTION: Motion to approve initiation of the steps to transfer the EVOSTC Trust Funds from the separate Restoration and Habitat sub-accounts into a single account to be used in accordance with the requirements of the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081

Motion by Vincent-Lang, second by Brune, opposed by Mulder, motion fails.

6. Discussion: Draft Resolutions 20-D: Changing Spill Area Boundary

APPROVED MOTION: Motion to amend the 1994 Restoration Plan to eliminate the strict criteria for out-of-the-spill-area restoration actions ("Location of Restoration Actions: Item 8 of page 14 of the Restoration Plan) and replace it with an ecosystem approach to the oil spill boundary that would extend the boundary to encompass the Lower Copper and Bering River watersheds and Controller Bay for approval of restoration activities.

Motion by Schmid, second by Balsiger, approved unanimously.

7. FY22-31 Invitation

APPROVED MOTION: A) Motion to approve any necessary edits to the FY22-31 Invitation, dated 11.04.2020, due to actions the Council has taken at this meeting, including edits pertaining to the reporting policy and review

requirements language and removing the fish passage text from the mariculture focus area.

Motion by Vincent-Lang, second by Taylor, approved unanimously.

APPROVED MOTION:

B) Motion to prepare a new 5-Year Invitation for the General Restoration and Habitat Protection categories per the 1994 Restoration Plan with proposed categories such as land purchase/protection, habitat restoration/damaged beaches, community development (i.e., archaeology), fish passages and culvert work, streambank erosion repair and restoration, as defined in the 1994 Restoration Plan, pages 4 and 19.

Motion by Vincent-Lang, second by Balsiger, approved unanimously.

Closing comments provided by Trustees.

Adjourned at 4:46 p.m.

Motion to adjourn by Schmid, second by Vincent-Lang, approved unanimously.